

1973

## c 168 The Planning Amendment Act, 1973

Ontario

© Queen's Printer for Ontario, 1973

Follow this and additional works at: [http://digitalcommons.osgoode.yorku.ca/ontario\\_statutes](http://digitalcommons.osgoode.yorku.ca/ontario_statutes)

---

### Bibliographic Citation

*The Planning Amendment Act, 1973*, SO 1973, c 168

### Repository Citation

Ontario (1973) "c 168 The Planning Amendment Act, 1973," *Ontario: Annual Statutes*: Vol. 1973, Article 170.

Available at: [http://digitalcommons.osgoode.yorku.ca/ontario\\_statutes/vol1973/iss1/170](http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1973/iss1/170)

## CHAPTER 168

## An Act to amend The Planning Act

*Assented to December 17th, 1973  
Session Prorogued March 5th, 1974*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended<sup>s. 1 (b), amended</sup> by striking out "Minister" in the second line and inserting in lieu thereof "Treasurer".
- (2) Clause *e* of the said section 1 is repealed and the follow-<sup>s. 1 (e), re-enacted</sup>ing substituted therefor:

(e) "Minister" means the Minister of Housing.
- (3) Clause *i* of the said section 1 is amended by striking<sup>s. 1 (i), amended</sup> out "Minister" in the second line and inserting in lieu thereof "Treasurer".
- (4) The said section 1 is amended by adding thereto the<sup>s. 1, amended</sup> following clause:

(k) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.
2. Sections 2, 3, 5 and 8 of the said Act are amended by striking<sup>ss. 2, 3, 5, 8, amended</sup> out "Minister" wherever it occurs and inserting in lieu thereof in each instance "Treasurer".
3. Subsection 1 of section 3 of the said Act is amended by<sup>s. 3 (1), amended</sup> striking out "and every appointment to the planning board of a joint planning area is subject to the approval of the Minister" in the second, third and fourth lines.

s. 14 (1),  
amended

4. Subsection 1 of section 14 of the said Act is amended by striking out "the Minister shall settle such modifications as far as possible to the satisfaction of all concerned" in the eighth, ninth and tenth lines and inserting in lieu thereof "to the Minister he shall, after consultation with the council of the municipality affected, make such modifications", so that the subsection shall read as follows:

Plan to be  
submitted  
to Minister

(1) Upon adoption, the plan shall be submitted by the council that adopted it to the Minister who may refer the plan to any ministry of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and, in the case of a joint planning area, the Minister shall refer the plan to the council of every municipality in the planning area that the Minister considers is affected by the plan, and if modifications appear desirable to the Minister, he shall, after consultation with the council of the municipality affected, make such modifications and cause the plan to be amended accordingly.

s. 22 (1, 4, 5-7),  
amended

- 5.—(1) Subsections 1, 4, 5, 6 and 7 of section 22 of the said Act are amended by striking out "Municipal Board" wherever it occurs and inserting in lieu thereof in each instance "Minister".

s. 22,  
amended

- (2) The said section 22 is amended by adding thereto the following subsections:

Grants  
or loans

(8a) For the purpose of carrying out the redevelopment plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the redevelopment area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the redevelopment plan.

Application  
of s. 37 (2, 3)

(8b) The provisions of subsections 2 and 3 of section 37 apply *mutatis mutandis* to any loan made under subsection 8a.

s. 29,  
amended

6. Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1 and 1972, chapter 118, section 3, is further amended by adding thereto the following subsections:

Partial  
discharges,  
etc.,  
effect of

(5b) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the



fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation.

(5c) Subsection 5b does not apply to a partial discharge <sup>Saving</sup> of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3.

(5d) This section does not apply so as to prevent the <sup>Application to ARDA</sup> Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer.

7. The said Act is further amended by adding thereto the following <sup>s. 29a, enacted</sup> section:

29a.—(1) The Minister may, by order, in respect of land described in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of *The Planning Act* or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause b <sup>Effect of contraventions of s. 29, etc., on conveyances heretofore made R.S.O. 1970, c. 349</sup> of subsection 1 of section 27, as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is filed with the Registrar of Regulations.

(2) No order shall be made by the Minister under subsection 1 in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has, by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass. <sup>Proviso</sup>

(3) A municipality may, as a condition to the passage of a <sup>Municipality may impose conditions</sup> by-law under subsection 2, impose such conditions in respect of any land described in the by-law as it considers appropriate.

(4) Nothing in this section derogates from the power the <sup>Proviso</sup> Minister, a land division committee or a committee of adjustment has to grant consents referred to in section 29.

s. 32 (3),  
re-enacted

8.—(1) Subsection 3 of section 32 of the said Act is repealed and the following substituted therefor:

Order  
prevails  
over by-law  
in event of  
conflict

(3) In the event of a conflict between an order made under clause *a* of subsection 1 and a by-law that is in effect under section 35, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect.

s. 32,  
amended

(2) The said section 32, as amended by the Statutes of Ontario, 1972, chapter 118, section 4, is further amended by adding thereto the following subsections:

Hearing  
by  
O.M.B.

(6a) Where an application is made to the Minister for an amendment to an order made under clause *a* of subsection 1, the Minister may request the Municipal Board to hold a hearing on the application and thereupon the Municipal Board shall hold a hearing as to whether the order should be amended.

Notice of  
application

(6b) The Minister shall, in such manner and to such persons as the Municipal Board may direct, give notice of the application and the hearing before the Municipal Board, and the Municipal Board shall hear any objections that any person may desire to bring to the attention of the Municipal Board.

Report to  
Minister

(6c) At the conclusion of the hearing, the Municipal Board shall make a report to the Minister in which shall be set out the Municipal Board's findings and recommendations in respect of the requested amendment and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter.

Decision of  
Minister  
final

(6d) After considering the report of the Municipal Board, the Minister may either amend or refuse to amend the order and the decision of the Minister is final.

s. 33 (6),  
amended

9. Subsection 6 of section 33 of the said Act is amended by adding at the end thereof "and any such agreement may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land".

ss. 35a,  
35b,  
enacted

10. The said Act is further amended by adding thereto the following sections:

Interpre-  
tation

35a.—(1) In this section and in section 35b, "redevelopment" means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon.



(2) Where there is an official plan in effect in a municipality, the council of the municipality in a by-law passed under section 35 may, as a condition of development or redevelopment of land or buildings in the municipality or in any defined area or areas thereof, prohibit or require the provision, maintenance and use of the following facilities and matters or any of them and may regulate the maintenance and use of such facilities and matters:

Development  
control

1. Widenings of highways that abut on the land that is being developed or redeveloped.
2. Subject to *The Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbings including the number, location and size of such facilities and the direction of traffic thereon. R.S.O. 1970,  
c. 201
3. Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.
4. Walkways and all other means of pedestrian access.
5. Removal of snow from access ramps, driveways, parking areas and walkways.
6. Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
7. Conveyance to the municipality, without cost, of easements required for the construction, maintenance or improvement of any existing or newly required watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
8. Floodlighting of the land or of any buildings or structures thereon.
9. Walls, fences, hedges, trees, shrubs or other suitable groundcover to provide adequate landscaping of the land or protection to adjoining lands.
10. Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material.

11. Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the by-law.
12. Perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing twenty-five or more dwelling units.

## Proviso

(3) Nothing in paragraph 12 of subsection 2 shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Provisions  
of by-law

(4) A by-law that includes provisions authorized by subsection 2 may,

(a) provide that facilities and matters required by the by-law shall be provided and maintained by the owner of the land at his sole risk and expense and to the satisfaction of the municipality, and that in default thereof the provisions of section 469 of *The Municipal Act* shall apply;

R.S.O. 1970,  
c. 284

(b) require that the owner of the land enter into one or more agreements with the municipality dealing with the facilities and matters referred to in subsection 2; and

(c) prohibit the issuance of building permits until the plans referred to in paragraphs 11 and 12 of subsection 2 have been approved by the municipality and until the agreements referred to in clause *b* have been entered into.

Registration  
of agreements

(5) Any agreement entered into, as referred to in clause *b* of subsection 4, may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1970,  
cc. 409, 234

Appeal to  
O.M.B.

(6) Where the municipality fails to approve the plans referred to in paragraphs 11 and 12 of subsection 2 within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied as to the terms of the proposed agreement referred to in clause *b* of subsection 4 or where the municipality has refused to enter into such an agreement with the owner, the owner of the land may require the plans or agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality,

and the Board shall then hear and determine the question as to the suitability of the plans or of the provisions of the agreement and the Board shall settle and determine the details of the plans and approve the same and settle and determine the provisions of the agreement and may require the municipality to enter into it, and the decision of the Board shall be final.

35b.—(1) As a condition of development or redevelopment of land for residential purposes, the council of a municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding 5 per cent of the land proposed for development or redevelopment be conveyed to the municipality for park purposes. Conveyance of land for park purposes

(2) For the purposes of subsection 3, "dwelling unit" Interpretation means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals.

(3) Subject to subsection 4, as an alternative to requiring the conveyance provided for in subsection 1, the by-law may require that land be conveyed to the municipality for park purposes at a rate of one acre for each 120 dwelling units proposed or at such lesser rate as may be specified in the by-law. Alternative requirement

(4) The alternative requirement authorized by subsection 3 may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains provisions relating to the provision of lands for park purposes, which provisions have been approved by the Minister subsequent to the coming into force of this section. Official plan requirement

(5) Land conveyed to a municipality under this section shall be used for park purposes or such other public purposes as are approved by the Minister, but may be sold with the approval of the Minister within a period of five years from the date of the conveyance thereof to the municipality and may, after such period, be sold without the approval of the Minister. Use and sale of land

(6) The council of a municipality may accept money to the value of any land required to be conveyed under this section in lieu of such conveyance and the provisions of subsection 11 of section 33 apply *mutatis mutandis* to all moneys so accepted. Cash payment in lieu of conveyance



Lands to  
which by-law  
not  
applicable

(7) A by-law passed under this section is not applicable to land that is within a plan of subdivision approved under section 33 if land in the plan was conveyed to the municipality for park or public purposes pursuant to a condition imposed by the Minister or a payment in lieu of such conveyance was accepted by the municipality.

s. 37 (1),  
amended

11. Subsection 1 of section 37 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 118, section 8, is further amended by inserting after "of" in the third line "grants or".

s. 41 (6),  
re-enacted

12. Subsection 6 of section 41 of the said Act is repealed and the following substituted therefor:

Quorum

(6) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

ss. 44b,  
44c, 44d,  
enacted

13. The said Act is further amended by adding thereto the following sections:

Interpre-  
tation

44b.—(1) Notwithstanding clause *a* of section 1, "council" for the purposes of this section and sections 44c and 44d means the council of a municipality that has requested delegation as referred to in subsection 2 and that has been designated by order of the Treasurer as a municipality to which may be delegated any of the Minister's authority under this Act.

Delegation  
of Minister's  
powers

(2) The Minister may on the request of a municipality by order delegate to the council of such municipality any of the Minister's authority under this Act and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Conditions

(3) A delegation made by the Minister under subsection 2 may be subject to such conditions as the Minister may by order provide.

Withdrawal  
of delegation  
of powers

(4) The Minister may by order withdraw any delegation made under subsection 2 and, without limiting the generality of the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the

order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation and immediately following any such withdrawal the council shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council prior to such withdrawal.

44c.—(1) Where the Minister has delegated any authority<sup>Further delegation of powers</sup> to a council under section 44b, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans and amendments thereto, to an appointed officer identified in the by-law either by name or position occupied and such officer has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

(2) A delegation made by a council under subsection 1<sup>Conditions</sup> may be subject to such conditions as the council may by by-law provide and as are not in conflict with any conditions provided by order of the Minister under section 44b.

(3) A council may by by-law withdraw any delegation<sup>Withdrawal of delegation of powers</sup> made under subsection 1 and the provisions of subsection 4 of section 44b apply *mutatis mutandis*.

44d.—(1) Where a decision is made by a council or an appointed officer on an application in respect of which the power of approval was delegated under section 44b or 44c, notice of the decision shall be sent to the applicant and to each person who prior to the making of the decision requested in writing notice of the decision.<sup>Notice of decision</sup>

(2) Where there is an appeal under subsection 3, the council or appointed officer, as the case may be, shall not approve the application to which the appeal relates and in no event shall an application be approved until after the time for appeal provided in subsection 3 has expired.<sup>No approval while appeal pending</sup>

(3) The applicant and each person who requested written notice of the decision referred to in subsection 1 may appeal to the Municipal Board against the decision by serving personally on or sending by registered mail to the clerk of the municipality in which the council or appointed<sup>Appeal to O.M.B.</sup>



R.S.O. 1970,  
c. 323

officer has jurisdiction notice of appeal accompanied by payment to the clerk of the fee prescribed by the Municipal Board under *The Ontario Municipal Board Act*, as payable on an appeal to the Municipal Board, within twenty-one days after the day on which the notice was sent under subsection 1.

Application  
where draft  
plan  
approved

(4) Where a draft plan of subdivision has been approved under subsection 12 of section 33, subsection 3 does not apply to the approval of the plan of subdivision under subsection 14 of section 33.

Material to  
be forwarded  
to O.M.B.

(5) The clerk of the municipality, upon receipt of a notice of appeal served on or sent to him under subsection 3, shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection 3 to the Municipal Board by registered mail together with all papers, plans, documents and other material filed with the council or appointed officer, as the case may be, relating to the matter appealed from and such other papers and documents as may be required by the Municipal Board.

Hearing by  
O.M.B.

(6) On an appeal to the Municipal Board under subsection 3, the Municipal Board shall hold a hearing of which notice shall be given to the applicant, the clerk of the municipality as referred to in subsection 3 and to such other persons and in such manner as the Municipal Board may determine.

Powers of  
O.M.B.

(7) The Municipal Board may dismiss the appeal or may make any decision that the council or appointed officer could have made on the application.

Repeals

14. The following are repealed:

1. Subsection 9 of section 69 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970.
2. Subsection 9 of section 92 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970.
3. Subsection 9 of section 69 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970.
4. Subsection 9 of section 90 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970.



5. Subsection 6 of section 33 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104.
6. Subsection 8 of section 95 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105.
7. Subsection 8 of section 55 of *The Regional Municipality of Peel Act, 1973*, being chapter 60.
8. Subsection 8 of section 55 of *The Regional Municipality of Halton Act, 1973*, being chapter 70.
9. Subsection 8 of section 55 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74.
10. Subsection 8 of section 62 of *The Regional Municipality of Durham Act, 1973*, being chapter 78.
15. Where, in any Act establishing a metropolitan, regional or district municipality reference is made to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in respect of matters pertaining to planning, such reference shall be deemed to be a reference to the Minister of Housing. References to Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs
16. Where a committee of adjustment ceases to have jurisdiction to grant consents as provided in subsection 1 of section 31, the Minister or the land division committee stands in the place and stead of the committee of adjustment for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of December, 1973. Minister or land division committee to stand in place of committees of adjustment for certain purposes
- 17.—(1) This Act, except sections 1, 2, 7, 13, 14 and 15, comes into force on the day it receives Royal Assent. Commencement
- (2) Sections 1, 2, 7, 13, 14 and 15 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem
18. This Act may be cited as *The Planning Amendment Act, 1973*. Short title

